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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOC #:

DATE FILED: 11/28/07

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AUSTRALIA BUNKERING PTY LTD.,

Plaintiff,

Index: 07CIV9412 (PKC)

-against-

**CONSENT ORDER AND
NOTICE OF DISMISSAL**

UBS PROVEDORES PTY LTD. a/k/a USS-UBS
INTERNATIONAL and RAECORP. INTERNATIONAL
PTY LTD.,

Defendants.
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WHEREAS, on or about October 19, 2007, Australia Bunkering Pty Ltd. ("AB") filed this action against Defendants UBS Provedores Pty Ltd. and Raecorp International Pty Ltd. ("Defendants") and, on or about October 22, 2007, obtained a writ of Attachment and Garnishment and an Order for Issuance of a Writ of Attachment and Garnishment(collectively "Attachment Order"); and

WHEREAS, AB subsequently served the Attachment Order on various garnishees in this district; and

WHEREAS, the Plaintiffs and Defendants have entered into a settlement agreement which fully and finally resolves Plaintiff's claims against Defendants ("Settlement Agreement"); and

WHEREAS, pursuant to the Settlement Agreement, Plaintiff is obligated to have the Attachment Order vacated, any and all attachments released, and this lawsuit dismissed with prejudice and without costs to any party; and

WHEREAS, Defendants have not appeared in this action; and

NOW THEREFORE, Plaintiff hereby stipulates to entry of the following order;

It is:

ORDERED that any funds attached pursuant to the Attachment Order are to be released immediately and wired in accordance with their original wire transfer instructions;

And it is further

ORDERED that this Consent Order shall apply to all further funds frozen by garnishees pursuant to the Attachment Order and the release of such funds is directed without Plaintiff having to apply for a supplemental consent order. All such frozen amounts shall be transferred in accordance with the original wire transfer;

And it is further

ORDERED that the Attachment Order is hereby vacated.

Plaintiff further stipulates that upon the entry of this Order and Notice this action is hereby dismissed, pursuant to Fed. R. Civ. P. 41(a)(1)(i), with prejudice and without costs to any party.


Dated: November 28, 2007

Peckar & Abramson, P.C.
Attorneys for Plaintiff

By: 
Sergey Leonidov (SL-4579)

546 Fifth Ave., 17th Floor
New York, NY 10036
(212) 382-0909

So Ordered:



United States District Judge

Date

11-28-07